



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:	Canich	Before Ex.:	Roberto Rabago
Appl No.:	07/676,690	Art Unit:	1713
Filed:	March 28, 1991	Docket No:	89B010A/2
For:	Olefin Polymerization Catalysts	Confirmation No:	7543

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.182

Dear Sir:

This is a Petition under 37 C.F.R. § 1.182 requesting relief in a situation not otherwise provided for. More specifically, Applicant respectfully requests confirmation that the Terminal Disclaimer filed July 27, 1992, was not entered or, in the alternative, withdrawal of the Terminal Disclaimer filed July 27, 1992 in light of the following remarks. Expedited consideration of this Petition is requested, in view of the fact that the issue fee is due to be paid by December 13, 2006.

01/09/2007 CKHLOK 00000010 502929 07676690

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11/16/2006 JADD01 00000057 07676690

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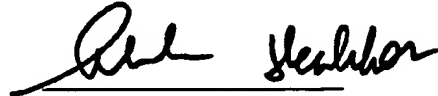
Thus, Applicant's proffer to expedite allowance of the application at a time when Gatt had not taken effect and the term of the patent would have run 17 years from the date of the issuance of the patent, had the completely unexpected and unforeseeable consequence of eliminating more than 14 years of the 17 year term of any patent issuing from the present application, if the Terminal Disclaimer filed on July 27, 1992 were to be part of the application record.

The double patenting rejection of the claims originally rejected by the Examiner was improper. Applicant traversed that rejection and provisionally proffered a terminal disclaimer simply to expedite issuance of the patent. PTO delays in having the patent issue have effectively delayed issuance of the patent by at least 10 years. The claims that are finally allowed in the Notice of Allowability of September 13, 2006, are not the same as the ones that were subject to a double patenting rejection in April 1992. Furthermore, the currently allowed claims could not be properly rejected over the claims of U.S. patent 5,026,798. Justice requires that the PTO grant relief in this case by way of acknowledging non-entry of the Terminal Disclaimer filed on July 27, 1992 or, in the alternative, permitting withdrawal of the Terminal Disclaimer filed on July 27, 1992 so as to effectuate issuance of the patent with a full 17 year statutory term.

Payment of the \$400 fee required under 37 C.F.R. §1.17(f) is attached. Please charge any additional fees necessary for consideration of the papers filed herein on an expedited basis and refund excess payments to Deposit Account No. 50-2929.

Should the Deciding Official have any questions regarding this matter, Applicant requests that the Examiner telephone the undersigned to discuss any such issues.

Respectfully submitted,



Abraham HersHKovitz
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November 15, 2006
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